IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9663 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KISHORKUMAR K PATEL

Versus

PASSPORT OFFICER

Appearance:

MR CB DASTOOR for Petitioner

MR A.S.Dave for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 22/09/2000

ORAL JUDGEMENT

Rule. Mr.A.S.Dave, Ld.Additional Central Govt.Standing Counsel waives service of rule for respondents.

2. In this petition under Article 226 of the

Constitution of India, the petitioner has prayed for writ of mandamus directing the Regional Passport Officer, Ahmedabad to correct the mistake in the petitioner's passport and to direct the authorities to issue fresh passport narrating the correct birth date of the petitioner 10.10.1945.

3. The petitioner had earlier applied for a passport and in the said application the date of birth of the petitioner was shown as 6.10.1945 on the basis of entry made in the School Leaving Certificate(Annexure "A" to the petition). However, as per the letter, dated 23.8.2000 (Annexure "C" to the petition) issued by the Consulate General of United States, the date of birth in the passport should be as per the birth register and accordingly the petitioner obtained copy of birth register issued by the Mamalatdar, Gandevi(Annexure "B" to the petition) and requested the respondent authorities to make correct in the birth date of the petitioner as per the copy of birth register issued by the Mamalatdar, Gandevi. However, the request of the petitioner was turned down and hence the petitioner filed the present petition.

4. In view of the above, the respondents are directed to consider the request of the petitioner and make correct in the passport of the petitioner from 6.10.1945 to 10.10.1945 on the basis of the material produced before him, more particularly, the copy of entry from birth register at annexure "B" to the petition. as expeditiously as possible and in any case within a period of one month from the date of receipt of writ of this court or a certified copy of this judgment, whichever is earlier.

5. In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

6. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

7. Since the respondents are not responsible for the mistake in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/-to the respondents within two weeks from today. Direct service is permitted.

22.9.2000 (M.S.SHAH,J)